

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

WILLIAM SILVA; DANIEL MLAKAR, MICHAEL DUBBERSTEIN;
RICHARD CANN; ERNEST CORREIA; HENRY J. SILVA; THOMAS C.S.
HING, JR.; GLENN NOJIRI; JAMES KELLY; RODNEY AURELLO;
JULIAN SHIROMA; ERROL ISHIMINE; and JERRY COLOMA; BRADLEY
BALLESTEROS; ARLEN BENTO; MORTON CARTER; DENNIS CORREA;
LODYBESY GLORY; EARL HATADA; WILLIAM LYMAN; AND BURTON YAMAGUCHI,
Plaintiffs-Appellees

vs.

COUNTY OF HAWAI'I; COUNTY OF HAWAI'I POLICE DEPARTMENT;
VICTOR VIERRA, individually and his official capacity of
Chief of Police for the County of Hawai'i; WAYNE CARVALHO,
individually and in his official capacity as Deputy Chief
of Police Chief and Chief of Police of the County of
Hawai'i; FRANCIS DeMORALES, individually and in his official
capacity as Assistant Chief of Police of the County of
Hawai'i; JOHN DOES 1-100; JANE DOES 1-100; DOE GOVERNMENTAL
ENTITIES 1-100; DOE BUSINESS ENTITIES 1-100,
Defendants-Respondents

WAYNE CARVALHO, individually and in his official
capacity as Deputy Chief of Police Chief and
Chief of Police of the County of Hawai'i,
Defendant and Third-Party Plaintiff-Respondent

vs.

GUY PAUL, individually and in his official capacity
as Chief of Police of the County of Hawai'i; and the
STATE OF HAWAI'I ORGANIZATION OF POLICE OFFICERS,
Third-Party Defendants-Respondents

GALE L.F. CHING,
Real Party in Interest-Appellant/Cross-Appellee

and

ALIKA THOENE,
Real Party in Interest-Appellee/Cross-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 97-0622)

ORDER GRANTING MOTIONS FOR DISMISSAL OF APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of: (1) Real Party in Interest-Appellant/Cross-Appellee Gale L. F. Ching's motion for dismissal of appeal; (2) Real Party in Interest/Cross-Appellant Alika Thoene's motion for dismissal of appeal; and (3) the records and files herein, it appears that: (1) on April 24, 2003, Appellant Ching filed a notice of appeal from the findings of fact, conclusions of law and order that imposed sanctions against Appellant Ching and Cross-Appellant Thoene; (2) on May 6, 2003, Cross-Appellant Thoene filed a notice of cross-appeal; (3) during the pendency of this appeal, the parties to the underlying case entered into a settlement resolving all issues, including the order imposing sanctions; (4) on December 3, 2003, the circuit court entered an order granting Appellant Ching's motion to vacate and set aside the order that is the subject of Ching's appeal; (5) on December 3, 2003, the circuit court granted Cross-Appellant Thoene's motion to vacate and set aside the order that is the subject of Thoene's cross-appeal; and (6) as a result of the settlement and the circuit court order vacating and setting aside the order that is the subject of this appeal, Appellant Ching and Cross-Appellant Thoene no longer wish to pursue their respective appeals. Therefore,

IT IS HEREBY ORDERED that Appellant Ching's motion for dismissal of his appeal is granted, and the appeal is dismissed.

IT IS FURTHER ORDERED that Cross-Appellant Thoene's motion for dismissal of his appeal is granted, and the cross-appeal is dismissed.

DATED: Honolulu, Hawai'i, December 19, 2003.

Kunio Kuwabe,
for Real Party in
Interest-Appellant/
Cross-Appellee Gale L.F.
Ching on the motion

Alika Thoene,
Real Party in Interest-
Appellee/Cross-Appellant,
pro se, on the motion